

Civil Action No.: 2022CV363986

## **II. GENERAL ALLEGATIONS**

3. On or about November 3, 2020, Plaintiff was an invitee at the Family Dollar #1725 at Red Oak located at 3435 Roosevelt Hwy Suite C Red Oak, Georgia 30272.
4. Defendant, by and through their employee/contractor, were moving goods throughout the store with a mechanical/motorized vehicle.
5. Defendant failed to train and or supervise their employee/contractor to properly operate the mechanical/motorized device.
6. Defendant, by and through their employee/contractor, crashed into Plaintiff while operating their mechanical/motorized vehicle.
7. Defendant is responsible for striking Plaintiff with their mechanical/motorized vehicle.
8. Plaintiff did not contribute to the crash that forms the basis of this complaint.

## **III. CLAIMS**

### **COUNT ONE – NEGLIGENCE**

9. The Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 8 as if fully alleged herein.
10. Defendant had a duty to train their employees/contractors to drive their mechanical/motorized vehicles safely and to keep a reasonable distance away from customers.
11. Defendant breached their duty to train and supervise their employees/contractors regarding the safety rules which lead them to crashing into the Plaintiff.

12. As a direct and proximate result of the Defendant's failure to train, supervise which ultimately lead to the breach of the safety rules: Plaintiff Jacqueline Henderson suffered personal injury, lost wages, pain and suffering, psychological stress and accumulated \$52,925.00 in medical bills: United Neurology a/k/a SCIRS: \$5,734.00; Allspine Surgery Center: \$45,900.00 and AICA Orthopedics: \$1,318.00 "but for" Defendant's failure to train and supervise their employees/contractors which ultimately lead to the violation of the safety rules.

13. Defendant's failure to train, supervise lead to the safety rules being violated which was the cause-in-fact of the crash.

14. The injuries inflicted upon Plaintiff were foreseeable whereas Defendant broke the safety rules.

WHEREFORE, Plaintiff prays as follows:

- (a) Requiring defendant to answer this complaint;
- (b) That the Plaintiff have a trial by a fair and impartial jury of twelve members;
- (c) That Plaintiff obtain a judgment for damages against the defendant in a sufficient amount in excess of \$10,000.00 to compensate Plaintiff for her injuries, suffering and damages;
- (d) And that Plaintiff have such other and further relief as this Court shall deem just and equitable.

Respectfully submitted,

This 26<sup>th</sup> day of April, 2022.

**BROWN, BARNWELL, P.C.**

*/s/ C. Napoleon Barnwell*

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C. Napoleon Barnwell  
Georgia Bar No. 728188  
Attorney for Plaintiff

5805 State Bridge Road  
Suite G349  
Johns Creek, GA 30097  
T: (470) 406-6384  
F: (470) 397-5103  
[napoleon@brownbarnwell.com](mailto:napoleon@brownbarnwell.com)

## General Civil and Domestic Relations Case Filing Information Form

Date: 4/26/2022 12:31 PM

Cathelene Robinson, Clerk

☒ Superior or ☐ State Court of FULTON County

## For Clerk Use Only

Date Filed 4/26/2022  
MM-DD-YYYYCase Number 2022CV363986

## Plaintiff(s)

HENDERSON JACQUELINE

Last First Middle I. Suffix Prefix

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Last First Middle I. Suffix Prefix

## Defendant(s)

FAMILY DOLLAR STORES OF GA, LLC

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney C. Napoleon Barnwell State Bar Number 728188 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

## General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

## Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

Fulton County Superior Court

\*\*\*EFILED\*\*\*LW

Date: 4/26/2022 12:31 PM

Cathelene Robinson, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA  
136 PRYOR STREET, ROOM C-103, ATLANTA, GEORGIA 30303

## SUMMONS

JACQUELINE HENDERSON

2022CV363986

) Case

) No.:

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Plaintiff,

vs.

FAMILY DOLLAR STORES OF GEORGIA, LLC

Defendant

TO THE ABOVE NAMED DEFENDANT(S): Family Dollar Stores of Georgia, LLC, c/o registered agent, Corporation Service Company,  
2 Sun Court, Suite 400, Peachtree Corners, GA 30092

You are hereby summoned and required to file electronically with the Clerk of said Court at  
<https://efilega.tylerhost.net/ofswb> (unless you are exempt from filing electronically) and serve upon  
plaintiff's attorney, whose name and address is:

C. Napoleon Barnwell  
Brown Barnwell, PC  
5805 State Bridge Road, Suite G349  
Johns Creek, GA 30097 T: (470) 406-6384  
F: (470) 397-5103 [napoleon@brownbarnwell.com](mailto:napoleon@brownbarnwell.com)

An answer to the complaint which is herewith served upon you, within 30 days after service of this  
summons upon you, exclusive of the day of service; unless proof of service of this complaint is not filed  
within five (5) business days of such service. Then time to answer shall not commence until such proof of  
service has been filed. **IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN  
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

This 4/26/2022 day of \_\_\_\_\_, 20 \_\_\_\_

Honorable Cathelene "Tina" Robinson

Clerk of Superior Court

By *Rush H. Hayes*  
Deputy Clerk

To defendant upon whom this petition is served:

This copy of complaint and summons was served upon you \_\_\_\_\_, 20 \_\_\_\_

Deputy Sheriff

Instructions: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum is used

Fulton County Superior Court  
 \*\*\*EFILED\*\*\*LW  
 Date: 4/26/2022 12:31 PM  
 Cathelene Robinson, Clerk

**IN THE SUPERIOR COURT OF FULTON COUNTY  
 STATE OF GEORGIA**

JACQUELINE HENDERSON	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 2022CV363986
	)	
FAMILY DOLLAR STORES	)	
OF GEORGIA, LLC	)	
	)	
Defendant.	)	

**PLAINTIFF’S FIRST INTERROGATORIES TO DEFENDANT**

COME NOW, Plaintiff, Jacqueline Henderson, in the above-styled case, and requires the Defendant to answer under oath and in writing the following Interrogatories, pursuant to O.C.G.A. § 9-11-33 within the time period set forth by law.

**NOTE A:** When used in these interrogatories, the phrases “Defendant”, “individual in question”, “you”, or any synonym thereof are intended to and shall embrace and include, in addition to Defendant, individually, Defendant’s attorneys, agents, servants, employees, representatives, private investigators, insurance adjusters, and all others who are in possession of, in control of, or may have obtained information for or on behalf of Defendant.

**NOTE B:** Throughout these interrogatories, wherever Defendant is requested to identify a communication of any type and such communication was oral, the following information should be furnished with regard to each such communication:

- (a) By whom it was made, and to whom;
- (b) The date upon which it was made;
- (c) Who else was present when it was made;

(d) Whether it was recorded or described in any writing of any type and, if so, identification of each such writing in the manner indicated in Note C below.

**NOTE C:** Throughout these interrogatories, wherever Defendant is requested to identify a communication, letter, document, memorandum, report, or record of any type and such communication was written, the following information should be furnished:

- (a) A specific description of its nature (e.g., whether it is a letter, a memorandum, etc.);
- (b) By whom it was made and to whom it was addressed;
- (c) The date upon which it was made; and
- (d) The name and address of the present custodian of the writing or, if not known, the name and address of the present custodian of a copy thereof.

**NOTE D:** Throughout these interrogatories, wherever Defendant is requested to identify a person, the following information should be furnished:

- (a) The person's full name;
- (b) His or her present home and business address and telephone number at each address;
- (c) His or her occupation; and
- (d) His or her place of employment.

**NOTE E:** These interrogatories shall be deemed continuing to the extent required by law. You are required to (1) seasonably supplement any response directed to the identity and location of persons having knowledge of discoverable matters as well as the identity of each person expected to be called as an expert witness at trial, the subject matter on which he is expected to testify and the substance of his testimony; (2) amend any prior response if you subsequently learn that the original response was incorrect or if you learned that although correctly made, the original



response is no longer true and the circumstances are such that a failure to amend the response is, in substance, a knowing concealment; and (3) provide such other supplementary responses required by law.

1.

Please state the names, addresses, and telephone numbers of all witnesses known to you who say or who claim they saw all, or any part of the occurrence complained of in this action.

2.

Please state the names, addresses and telephone numbers of all persons who have given statements, whether written or oral to you, your attorney, your insurance carrier, or anyone else to our knowledge, covering the facts and circumstances of the incident that is the subject matter of this litigation, listing for each such statement, the date of the same, to whom the statement was given, and who is in possession of such statement.

3.

Please give your contentions of how the incident complained of happened, the actions of all individuals involved, and the relative positions of any warning signs or signals.

4.

If you contend that some other person or legal entity is, in whole or in part, liable to the Plaintiff in this matter, state its full name, address and telephone number and describe in detail the basis of such liability.

5.

Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the matter alleged in the Complaint, the number or numbers of such policies,

the amount of liability coverage provided in each policy, the named insured in the same, and whether said policy excludes coverage for punitive damages.

6.

Set forth the names and addresses of each person who has investigated and/or made studies, or taken any statements related to the incident complained of in the Complaint.

7.

Please state the following in regard to every document which you contend is relevant in this case to Plaintiff's Complaint or any defense raised by a party:

- (a) The date, title, and a summary of the contents of said documents;
- (b) The name and address of the author of the document; and
- (c) The name and address of the custodian of the document.

8.

Did anyone photograph the scene of the incident? If so, state when the photographs were taken, who took the photographs and who currently has possession of the photographs.

9.

Identify the full name, address, and telephone number of each expert, including medical witnesses, whom you expect to call as an expert witness at the trial of this case and, as to each expert so identified, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

10.

Do you contend there are any admissions made by the Plaintiff or any other party in this case? If the answer is in the affirmative, and any purported admission was oral, please state the

date the admission was made, and the witnesses to said admissions. If the admission was made in writing, please state the title of the document, the name of the author of the document, a summary of the contents of the document, the date of the document, and the name, address, and telephone number of the custodian of the document.

11.

Identify all evidence – including documents, physical evidence, and witness's possession knowledge of such evidence – which you contend supports your defenses as set forth in your Answer.

12.

Have you or anyone on your behalf conducted any private investigation or covert surveillance of the Plaintiff? If so, please state:

- (a) The name and address of any persons or firms who conducted said surveillance or investigation;
- (b) The date and place of any such surveillance;
- (c) The description of any alleged activities the Plaintiff is said to have been participating in during surveillance;
- (d) The nature of any photographs, videotapes, or other recordings of the Plaintiff, or reports compiled regarding Plaintiff, as a result of said surveillance.

13.

Were any photographs, maps, plates, drawings, diagrams, investigative material, or other documents depicting any subject matter which is deemed relevant to any aspect of this case compiled, taken, made, prepared, or obtained by you or on your behalf? If so, please state:

- (a) Date and by whom material was prepared;

(b) The name and address of the person in possession of same.

14.

Is the Defendant's name correctly stated in the Complaint on file in this action? If not, state the correct designation of Defendant.

15.

Were there other persons, corporations or firms interested in the operation, control or management of the premises described in Plaintiff's Complaint at the time stated in Plaintiff's Complaint? If so, state the full name, etc., of each such person, corporation, or firm and what such interest was.

16.

Does the Defendant contend that Plaintiff was in any way negligent; if so, what negligence, if any, contributed to Plaintiff's injury?

17.

Does the Defendant contend that Plaintiff in some manner assumed the risk of injury to herself?

18.

If the answer to the preceding two interrogatories is in the affirmative, set forth each fact upon which Defendant bases said contention, state the name of each witness who will testify to each of said facts, and identify the documentary, physical or expert evidence Defendant contends support such defenses.

19.

Have other persons, whether invitees, employees or otherwise, had incidents involving the mechanical motorized vehicles used on Defendant's premises in the 10 years prior to the time

stated in Plaintiff's Complaint? If so, state the full name and address, both home and business, of each such person, and a summary of what occurred in each said instance. If a suit was filed, state the name of the action, case number, and place where suit was filed. Further, if Defendant has possession or control of any reports or memoranda, or complaints or letters concerning said incidents, state where such documents are located.

20.

Did Defendant ever receive any complaint or notice, oral or written, regarding any prior incidents with the operation of their mechanical/motorized vehicle?

21.

If Defendant's answer to the preceding interrogatory is in the affirmative, state:

- (a) the name and address of each person making such complaint;
- (b) the date of each such complaint;
- (c) Which were oral, and which were written;
- (d) If oral, the person to whom said complaint was made, and the substance thereof;
- (e) If written, the present custodian of each such writing;
- (f) What action was taken to remedy each such complaint;
- (g) By whom this was done; and
- (h) When it was done.

22.

After Plaintiff's injury as alleged in the Complaint, were any changes made as to the operations of mechanical/motorized vehicles in the store while customers were present? If the answer is in the affirmative, state:

- (a) The date of each such change;

- (b) The name and address of each person who made such change;
- (c) The name, address and telephone number of each person who ordered such change.

23.

In the area where Plaintiff fell as set forth in the Complaint, were there any warning signs or other indicators to advise persons in the store of the presence of mechanical/motorized vehicles in the store?

24.

Was a schedule implemented for when the mechanical/motorized vehicles were to be operated in the store? If so,

- (a) The times when the mechanical/motorized vehicles were to be operated in the store;
- (b) Was there a checklist for the employee who operated the mechanical/motorized vehicle to sign when the mechanical/motorized vehicle was at use in the store?

25.

Please state the names, addresses and occupations of all employees, contractors, or other persons who operate the mechanical/motorized vehicles on your premises?

26.

Please identify the qualifications needed and the training provided to employees, contractors, or other persons who operate the mechanical/motorized vehicles on your premises?

27.

Please identify the names and addresses of any employees or contractors who were working at the store at the time of the incident described in the Complaint.

This 26<sup>th</sup> day of April, 2022.

**BROWN, BARNWELL, P.C.**

*/s/ C. Napoleon Barnwell*

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C. Napoleon Barnwell  
Georgia Bar No. 728188  
Attorney for Plaintiff

5805 State Bridge Road  
Suite G349  
Johns Creek, GA 30097  
T: (470) 406-6384  
F: (470) 397-5103  
[napoleon@brownbarnwell.com](mailto:napoleon@brownbarnwell.com)

Fulton County Superior Court  
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**IN THE SUPERIOR COURT OF FULTON COUNTY  
 STATE OF GEORGIA**

JACQUELINE HENDERSON	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 2022CV363986
	)	
FAMILY DOLLAR STORES	)	
OF GEORGIA, LLC	)	
	)	
Defendant.	)	

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**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF  
 DOCUMENTS TO DEFENDANT**

COME NOW, Plaintiff Jacqueline Henderson, in the above-styled case, and requires the Defendant to produce for inspection and copying at the offices of Plaintiff's counsel, Brown, Barnwell, PC, 5805 State Bridge Road, Suite G349, Johns Creek, GA 30097, the following documents within the time period set forth by law pursuant to O.C.G.A. § 9-11-34 within the time period set forth by law.

Plaintiff requests that, along with the production of documents, a written response be made detailing the documents produced and any documents covered by these requests which the Defendant objects to producing.

**NOTE A:** These requests are continuous and should be supplemented if additional information is received at a later date.

**NOTE B:** If documents requested are not in the Defendant's possession, please state as follows:

- (a) Name of person who has possession or knowledge of whereabouts;
- (b) Business address of such;



(c) Business telephone of such.

**NOTE C:** If you claim that a privilege applies to any document sought by this request, then state the factual and legal basis for the claimed privilege and identify the document (by date, author, recipient, general subject matter) so that it can be described in a motion to compel.

**Request for Production of Documents**

1.

All witness statements related to the incident complained of in the Complaint.

2.

A copy of any insurance policy covering the premises or services which were involved in the incident complained of in the Complaint.

3.

A copy of any photographs taken of any persons or scene of the incident.

4.

A copy of any surveillance videotapes of Plaintiff, or other recordings of the Plaintiff, or reports compiled regarding Plaintiff, as a result of said surveillance.

5.

A copy of any photographs, maps, plates, drawings, diagrams, videos, or other demonstrative evidence depicting any subject matter which is deemed relevant to any aspect of this case which is discoverable.

6.

Copies of any employee statements, witness statements and/or recordings pertaining to the incident complained of in Plaintiff's Complaint.

7.

A copy of any documents referenced in your responses to Plaintiff's First Interrogatories.

8.

Any document which you will rely on in the defense of this action.

9.

Any written opinions by any expert witness you intend to call at trial.

10.

A copy of any and all physical evidence you intend to produce at the trial of this case.

11.

A copy of any policies, procedures, or guidelines governing safety of Defendant's premises.

12.

A copy of policies pertaining to the operation of mechanical/motorized vehicles during the store's operating hours.

13.

Documents reflecting the training and qualifications for employees, contractors or other persons who operate the mechanical/motorized vehicles on your premises.

14.

Policies and procedures regarding operating mechanical/motorized vehicles on your premises.

This 26<sup>th</sup> day of April, 2022.

**BROWN, BARNWELL, P.C.**

*/s/ C. Napoleon Barnwell*

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C. Napoleon Barnwell  
Georgia Bar No. 728188  
Attorney for Plaintiff

5805 State Bridge Road  
Suite G349  
Johns Creek, GA 30097  
T: (470) 406-6384  
F: (470) 397-5103  
[napoleon@brownbarnwell.com](mailto:napoleon@brownbarnwell.com)



IN THE SUPERIOR COURT OF FULTON COUNTY

EXHIBIT 'A'

CASE NO.: 2022CV363986

Jacqueline Henderson V. Family Dollar Stores of Georgia UC

PLAINTIFF

DEFENDANT

Visionz Process Serving & Investigative Solutions, LLC  
 / 7421 Douglas Blvd  
 Suite N437  
 Douglasville, GA 30135  
 404-662-6524

**AFFIDAVIT OF SERVICE**

On Wednesday, May 18, 2022 at approximately 11:55 AM, I, Kristopher Barnes, Certified Process Server and Private Detective, swear and affirm that I personally provided Service of Process upon Family Dollar Stores of Georgia LLC registered agent, Corporation Service Company at commercial address, 2 Sun Court, Suite 400 Peachtree Corners, GA 30092. The location is described as a commercial office space; Suite 400 is located directly across from Suite 450 with a sign that reads Thompson, O'Brien, Kappler & Nasut PC. Upon exit of the elevator, I observed a white female receptionist with blonde hair and glasses wearing a blue and white shirt sitting at the front desk to whom I acknowledged with a wave. Following my wave, she picked up the phone and made a call. Moments later, I was greeted by Barry Smith of Office Services who approached the door and took possession of the documents addressed to Family Dollar Stores of Georgia LLC c/o Corporation Service Company displaying the Superior Court of Fulton County and assigned case number 2022CV363986. Upon recognition, I provided Smith with my ID and returned to the elevator. At the time of service, Barry Smith is described as a stocky black male with a short afro wearing white Bluetooth earbuds, a brown polo shirt, tan pants, and tan shoes.

Documents to be Served:

Summons

Complaint for Damages

Plaintiffs First Interrogatories to Defendant

Plaintiffs First Request for Production of Documents to Defendant

This service was on behalf of Brown Barnwell, PC located at 5805 State Bridge Road Suite G349 Johns Creek, GA 30097.

Affiant, Kristopher Barnes states that he is over 18 years of age, a Citizen of the United States, and not related to the parties herein. The statements made in the affidavit are true and correct and are based upon my personal knowledge.

Kristopher Barnes, II  
 Visionz Process Serving & Investigative Solutions, LLC  
 GA License Number: PDSC001749

*for filing:* \_\_\_\_\_

Sworn and Subscribed before me  
 this 19 day of May 2022  
*Tasheena Brown*  
 NOTARY PUBLIC  
 My Commission Expires: 3/8/24

